

REMARKS

The present application was filed on June 21, 2001, with claims 1-27. The application claims priority to U.S. Provisional Patent Application Serial No. 60/266,791 filed on February 6, 2001. Claims 1-27 are currently pending in the application. Claims 1, 10 and 18 are the independent claims.

Applicants respectfully request reconsideration of the present application in view of the amendments above and the remarks to follow.

Claims 1-27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0101446A1 (hereinafter "Tang") in view of U.S. Patent No. 5,877,758 (hereinafter "Seybold").

Independent claim 1 is directed to a method for use in providing a Web team portal in a collaborative system. The method includes, among other steps, a step of dynamically displaying a visual representation having a plurality of display windows including at least team members, collected presence and location information, and a set of mechanisms for a team member to use in conjunction with the displayed presence and location information to initiate a prescribed mode of communicating with one or more other members of the team. The claim further specifies that the displayed visual representation comprises a time axis having axis positions corresponding to respective ones of a plurality of time ranges of differing durations arranged along the time axis in a sequence of increasing duration from a first time range of relatively short duration to additional time ranges of progressively longer duration, a category axis having axis positions corresponding to respective ones of the team members, and a plurality of graphic elements, with a given one of the graphic elements specifying an activity state for a particular one of the plurality of team members for a particular time period, the particular one of the plurality of team members being indicated by position of the graphic element relative to the category axis, and the particular time period being indicated by position of the graphic element relative to the time axis.

An example of the recited visual representation can be seen in FIG. 10 of the drawings in the present application. In this illustrative embodiment, a displayed visual representation comprising an OpenChannel View 1001-2 for a given set of team members includes a vertical axis 1002 identifying all of the participants in the OpenChannel View,

a horizontal time axis 1003, and a plurality of graphic elements 1004. The vertical axis 1002 has axis positions corresponding to respective ones of the team members, namely, J. Smith, C. Ortiz and P. Cole in the present example. The time axis 1003 has axis positions corresponding to respective ones of a plurality of time ranges, namely, a one minute range (1m), a ten minute range (10m), and hour, day and week ranges. A given one of the graphic elements 1004 specifies an activity state for a particular one of the team members, identified by reference to the vertical axis 1002, for a particular period of time identified by reference to the horizontal time axis 1003. The activity states in this example include speaking, indicated by a black color for the graphic element, and listening, indicated by a white color for the graphic element. Thus, it can be seen from the figure that J. Smith is currently speaking, with C. Ortiz speaking just before for almost ten minutes, and P. Cole listening continuously for many weeks. For additional details regarding the operation of this illustrative embodiment, see the specification at page 25, line 26, to page 27, line 3.

It should be emphasized that this particular embodiment is discussed herein merely in order to illustrate one possible arrangement that falls within the scope of the previously-described limitations of claim 1. Applicants are not stating that any particular aspect of this illustrative embodiment constitutes an actual limitation of claim 1.

With regard to the §103(a) rejection, Applicants initially note that a proper *prima facie* case of obviousness requires that the cited references when combined must “teach or suggest all the claim limitations,” and that there be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the references or to modify the reference teachings. See MPEP §706.02(j).

Applicants submit that the Examiner has failed to establish a proper *prima facie* case of obviousness in the §103(a) rejection of independent claim 1, for at least the reasons that the combined teachings of Tang and Seybold fail to teach or suggest all limitations of claim 1 and that no cogent motivation has been identified for combining Tang and Seybold or modifying the reference teachings to reach the claimed invention.

The Examiner acknowledges that the Tang reference fails to disclose the recited limitations of claim 1 relating to a displayed visual representation comprising a time axis

having axis positions corresponding to respective ones of a plurality of time ranges of differing durations arranged along the time axis in a sequence of increasing duration from a first time range of relatively short duration to additional time ranges of progressively longer duration, a category axis having axis positions corresponding to respective ones of the team members, and a plurality of graphic elements, a given one of the graphic elements specifying an activity state for a particular one of the plurality of team members for a particular time period by position relative to the respective category and time axes. See the Office Action at page 3, first paragraph. However, the Examiner argues that these deficiencies of Tang as applied to claim 1 are overcome by the teachings of Seybold as shown in FIG. 2A and described in its specification at column 7, lines 15-37 and at column 8, lines 33-65. Applicants respectfully disagree.

Firstly, neither Tang nor Seybold teach or suggest the recited limitation wherein a time axis has axis positions corresponding to respective ones of a plurality of time ranges of differing durations arranged along the time axis in a sequence of increasing duration from a first time range of relatively short duration to additional time ranges of progressively longer duration. As the Examiner correctly concedes, Tang fails to teach any time axis. Seybold, on the other hand, not only fails to disclose the claimed time axis having axis positions corresponding to time ranges of differing, and progressively increasing, durations, but rather teaches away by instead disclosing a timescale that is always separated into equal time units, such as weeks in a month or days of a week, regardless of which time unit is selected. See the specification of Seybold at, for example, column 2, line 62, to column 3, line 33; at column 8, lines 10-17 and at column 8, lines 33-55. This difference may be appreciated by comparing the labels of timescales 136 and 138 in FIGS. 2A-3B of Seybold with time axis 1003 in FIG. 10 of the present application. Unlike time axis 1003, timescales 136 and 138 clearly do not have the recited axis positions corresponding to time ranges of differing, and progressively increasing, durations.

Moreover, in formulating the rejection of claim 1, the Examiner relies on column 7, lines 15-37, of Seybold as teaching or suggesting the recited limitation wherein a given one of the graphic elements specifies an activity state for a particular one of the plurality of team members for a particular time period. This activity state may represent the

activity that a team member was engaged in during a time period or may represent the activity that a team member is currently engaged in. See, for example, the present specification at page 26, lines 1-3. Seybold, on the other hand, is directed to task scheduling and, as such, discloses only techniques directed to displaying the task which a user is scheduled to work on during a given time period, rather than an activity state as recited. See, e.g., column 7, lines 24-26, and column 7, lines 34-37.

Even if it were possible to combine the teachings of Tang with those of Seybold to reach the present invention, there would be no motivation to do so, despite the Examiner's contention in the Office Action at page 3, first paragraph, that it would be obvious to combine the teachings of Seybold with those of Tang because "to do so would . . . provide the user visual access to resource and task data, and direct ways to view and manipulate information."

Applicants respectfully note that Tang discloses techniques for displaying a contact list which shows the time since electronic devices corresponding to each user were last active. See Tang at, for example, [0104]. The Tang display already provides an appropriate visualization of all the necessary temporal information to be displayed in conjunction with its contact list, as indicated in, for example, FIGS. 15 and 18 of Tang, utilizing designated icons rather than timescales, much less configurable timescales. One skilled in the art would not be motivated to look to a significantly more complex technique, such as the configurable timescales taught by Seybold, to alter the display techniques taught by Tang.

Moreover, Applicants respectfully submit that Seybold is not analogous prior art and therefore cannot form the basis for a rejection under 35 U.S.C. §103. See, e.g., MPEP § 2141.01(a); In re Oetiker, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992) ("In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned."); In re Clay, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992) ("A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his

problem.”). Seybold, unlike either Tang or the present invention, relates solely to the scheduling of future activities, rather than the determination of past or current activity states. Thus, Applicants respectfully submit that Seybold is thus neither in the field of Applicants’ endeavor nor logically would have commended itself to an inventor’s attention in considering his problem, much less have been an obvious candidate for combination with Tang.

Furthermore, Applicants respectfully submit that the Examiner’s explanation is a conclusory statement of the sort rejected by both the Federal Circuit and the U.S. Supreme Court. See KSR v. Teleflex, 127 S.Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (U.S., Apr. 30, 2007), quoting In re Kahn, 441 F. 3d 977, 988 (Fed. Cir. 2006) (“[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”). There has been no showing in the present §103(a) rejection of claim 1 of objective evidence of record that would motivate one skilled in the art to combine Tang and Seybold to produce the particular limitations in question. Rather, the above-quoted statement of motivation provided by the Examiner appears to be a conclusory statement of the type ruled insufficient in the KSR case.

More specifically, the statement above is using the benefit obtained from a combination as a motivation for that combination; this is impermissible hindsight. In order to avoid the improper use of a hindsight-based obviousness analysis, particular findings must be made as to why one skilled in the relevant art, having no knowledge of the claimed invention, would have combined the teachings of Tang and Seybold in the claimed manner. See, e.g., In re Kotzab, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). The Examiner’s conclusory statements do not adequately address the issue of motivation to combine references. “It is improper, in determining whether a person of ordinary skill would have been led to this combination of references, simply to [use] that which the inventor taught against its teacher.” In re Sang-Su Lee, 277 F.3d 1338, 1344 (Fed. Cir. 2002) (quoting W.L. Gore v. Garlock, Inc., 721 F.2d 1540, 1553, 220 USPQ 303, 312-13 (Fed. Cir. 1983)).

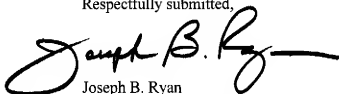
It is therefore believed that independent claim 1 is not obvious in view of the proposed combination of Tang and Seybold.

Independent claims 10 and 18 are believed allowable for reasons similar to those identified above with regard to independent claim 1.

Dependent claims 2-9, 11-17 and 19-27 are believed allowable for at least the reasons identified above with regard to their respective independent claims.

In view of the above, Applicants believe that claims 1-27 are in condition for allowance, and respectfully request withdrawal of the §103(a) rejection.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joseph B. Ryan", followed by a horizontal line.

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